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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 AUSTIN A. WILSON,)

8)
9 Petitioner,)

10 v.)

11 WASHINGTON STATE)
12 DEPARTMENT OF CORRECTIONS,)
13 et al.,)

Respondents.)
_____)

CASE NO. C05-1865-RSL-MJB

REPORT AND
RECOMMENDATION

14 Petitioner, who is proceeding *pro se*, filed a petition for writ of habeas corpus
15 pursuant to 28 U.S.C. § 2241 that he subsequently asked this court to construe as a
16 habeas petition pursuant to 28 U.S.C. § 2254. However, due to defects in petitioner's
17 habeas petition, the court declined to order that the petition be served. Instead, on
18 December 7, 2005, the court issued an Order to Show Cause (Dkt. #15), identifying the
19 defects in petitioner's habeas petition and granting him leave to amend the petition to
20 cure the deficiencies within 30 days or to show cause why his petition should not be
21 dismissed for failure to exhaust his claims. Petitioner's response to the show cause order
22 was due by January 5, 2006. To date, he has not filed an amended petition or responded
23 to the Court's order to show cause, and he has not requested an extension of time in
24 which to do so.

25 REPORT AND RECOMMENDATION

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1 Accordingly, the undersigned recommends dismissal of this case pursuant to Fed.
2 R. Civ. P. 41(b) for failure to comply with the Court's December, 2005 show cause
3 order. A proposed Order accompanies this Report and Recommendation.

4 DATED this 8th day of February, 2006.

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8 MONICA J. BENTON
9 United States Magistrate Judge
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